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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 00/00/201_

To: General Counsel

Attn: Steven N. Siegel
Deputy General Counsel, NSLB

[COUNTERTERRORISM/
COUNTERINTELLIGENCE/CYBER]

Attn: [UNIT]

[REQUESTING OFFICE]

Attn: SSA [SQUAD SUPERVISOR]
SA [CASE AGENT]

[OFFICE OF ORIGIN]

Attn: SA [CASE AGENT]
[Squad] [X]

[DELIVERING DIVISION]
(if using personal service)

Attn: SSA [SQUAD SUPERVISOR]
[Squad] [X]

From: [DRAFTING DIVISION]

[APPROVING OFFICIAL]

Contact: [CASE AGENT, telephone number (000) 000-0000]

Approved By: [ADIC NAME (IF APPLICABLE)]
[SAC NAME]
[ASAC NAME]
[CDC NAME]
[SSA NAME]

Drafted By: [LAST FIRST MIDDLE NAME: INITIALS]

(U) Case ID #: ~~(S)~~ [CASE FILE NUMBER] (Pending)

(U) Title: ~~(S)~~ [SUBJECT]
[A.K.A.] [ALIAS (IF APPLICABLE)]
[IT/FCI - FOREIGN POWER]
OO: [OFFICE OF ORIGIN]

Synopsis: (U) (NSLCII) Approves the issuance of a Fair Credit Reporting Act (FCRA) Section 1681u(b) National Security Letter (NSL) for consumer identifying information; provides reporting data; and transmits the NSL to the appropriate division for delivery to the credit reporting company.

~~(S)~~ (U) ~~Derived From~~ G-3

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ACLU-NSL-353

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To: [DELIVERING DIVISION] From: [DRAFTING DIVISION]
(U) Re: ~~(S)~~ [CASE FILE NUMBER, 00/00/2008]

Declassify On: ~~[10-25 years based on
information in the EC]~~

(U) [FULL/PRELIMINARY] Investigation Instituted: ~~(S)~~ [00/00/2008]

(U) Reference: ~~(S)~~ [CASE FILE NUMBER Serial XXX]

Enclosure(s): (U) Enclosed for [DELIVERING DIVISION or OFFICE OF ORIGIN, depending on whether service is personal or through restricted delivery service or fax] is an NSL dated [00/00/2008], addressed to [COMPANY POC NAME], [TITLE (if available)], [COMPANY NAME], [COMPANY ADDRESS - NO P.O. BOX], [CITY, STATE - NO ZIP CODE if using personal service], requesting consumer identifying information relating to the consumer listed.

(U) Details: ~~(S)~~ Brief explanation of why the NSL is being created

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(U) ~~(S)~~ A [FULL/PRELIMINARY] [FOREIGN COUNTERINTELLIGENCE/ INTERNATIONAL TERRORISM] investigation of subject, a [U.S. PERSON/NON-U.S. PERSON], was authorized in accordance with the Attorney General Guidelines because [Give a full explanation of the justification for opening and maintaining the investigation on the subject; barebones facts will not suffice and will cause the request to be rejected for legal insufficiency]. This consumer identifying information is being requested to [Fully state the relevant of the requested records to the investigation].

(U) ~~(S)~~ This electronic communication documents the [APPROVING OFFICIAL's] approval and certification of the enclosed NSL. For mandatory reporting purposes, the enclosed NSL seeks consumer identifying information for [NUMBER OF] individual(s) from [credit reporting company #1]; [NUMBER OF] individual(s) from [credit reporting company #2], etc. [If there are requests from multiple reporting companies for the same person, please state. Provide the USP status of all the persons about whom the requests are seeking information, including the subject of the investigation. In other words, do your best to give as much information as you can, for congressional reporting purposes.]

(U) Arrangements should be made with the credit reporting company to provide the records [personally to an employee of the DELIVERING DIVISION or through use of a delivery service or secure fax to OFFICE OF ORIGIN] within [NUMBER OF] business days of receipt of this request. The credit reporting company should neither send the records through routine mail

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To: [DELIVERING DIVISION] From: [DRAFTING DIVISION]
(U) Re: ~~(S)~~ [CASE FILE NUMBER, 00/00/2008]

service nor utilize the name of the subject of the request in any telephone calls to the FBI.

DISCLOSURE PROVISIONS

[Certification and Activation of the Nondisclosure Requirement: There is no longer an automatic prohibition that prevents the recipient of a National Security Letter from disclosing that the FBI has requested the information. To activate the nondisclosure requirement, the senior FBI official approving this EC must use Option 1 below and include in the EC (but not in the NSL) a brief statement of facts that justify the nondisclosure requirement. Option 2 is to be used in all cases where Option 1 is not used.]

[Option 1 - Invoking Nondisclosure Requirement]

(U) In accordance with 15 U.S.C. § 1681u(d), I, the senior official approving this EC, certify that a disclosure of the fact that the FBI has sought or obtained access to the information sought by this letter may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of a person.

(U) ~~(S)~~ Brief statement of the facts justifying my certification in this case:

[Option 2 - Declining to invoke the nondisclosure requirement]

(U) I, the senior official approving this EC, have determined that the facts of this case do not warrant activation of the nondisclosure requirements under the applicable National Security Letter statute.

[Include the next 2 paragraphs in all ECs.]

(U) Information received herein from a credit reporting company may be disseminated in accordance with the FBI's Domestic Investigations and Operations Guide (DIOG), subject to the following statutory limitation. Dissemination of such information is limited to other Federal agencies as may be

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(U) To: [DELIVERING DIVISION] From: [DRAFTING DIVISION]
Re: ~~(S)~~ [CASE FILE NUMBER, 00/00/2008]

necessary for the approval or conduct of a foreign counterintelligence investigation, or, where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

(U) Any questions regarding the above can be directed to the [CASE AGENT, telephone number (000) 000-0000.]

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To: [DELIVERING DIVISION] From: [DRAFTING DIVISION]
(U) Re: ~~(S)~~ [CASE FILE NUMBER, 00/00/2008]

LEAD(s):

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB is requested to record the appropriate information needed to fulfill the Congressional reporting requirements for NSLBs.

Set Lead 2: (Info)

[COUNTERTERRORISM/COUNTERINTELLIGENCE/CYBER]

AT WASHINGTON, DC

(U) At [Unit] Read and Clear

Set Lead 3: (Action)

[DELIVERING OFFICE -if using personal service]

[AT CITY, STATE]

(U) Deliver the attached NSL as indicated above. Upon receipt of information from the credit reporting company, [DELIVERING DIVISION] is requested to submit results to [DRAFTING DIVISION] and [OFFICE OF ORIGIN, if applicable].

(U) Please take special note that the reply to this request should not generate receipt of a full credit report and that only a summary or redacted credit report should be accepted.

♦♦

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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

[DRAFTING DIVISION]
[STREET ADDRESS]
[CITY, STATE, ZIP CODE]
[MONTH, DAY, YEAR]

[MR./MRS./MS.] [COMPLETE NAME OF POC]
[TITLE, IF AVAILABLE]
[NAME OF COMPANY]
[PHYSICAL STREET ADDRESS - NO P.O. BOX]
[CITY, STATE - NO ZIP CODE]

DEAR [MR./MRS./MS.] [LAST NAME]:

Under the authority of Executive Order 12333, dated December 4, 1981, and pursuant to Title 15, United States Code (U.S.C.), Section 1681u(b) (the Fair Credit Reporting Act, as amended), you are hereby directed to provide the Federal Bureau of Investigation (FBI) the names, address, former addresses, places of employment, or former places of employment of the below-named consumer(s):

NAME(S):

ADDRESS(ES): [if available]

DATE(S) OF BIRTH: [if available]

SOCIAL SECURITY NUMBER(S): [if available]

PLEASE DO NOT PROVIDE THE FULL CREDIT REPORT, AS THAT IS NOT BEING REQUESTED OR SOUGHT.

In accordance with Title 15, U.S.C., Section 1681u(b), I certify that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, and that such an investigation of a United States person is not conducted solely on the basis of activities protected by the First Amendment to the Constitution of the United States.

ACLU-NSL-358

[Certification: The nondisclosure requirement is not an automatic feature of the NSL. If the supporting EC for this NSL included Option 1 (Invoking the Nondisclosure Requirement), then include the language in the following 3 paragraphs in the NSL.]

In accordance with 15 U.S.C. § 1681u(d)(1), I certify that a disclosure of the fact that the FBI has sought or obtained access to the information sought by this letter may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of a person. Accordingly, 15 U.S.C. § 1681u(d)(1) and (3) prohibits you, or any officer, employee, or agent of yours, from disclosing this letter, other than to those to whom disclosure is necessary to comply with the letter or to an attorney to obtain legal advice or legal assistance with respect to this letter.

In accordance with 15 U.S.C. § 1681u(d)(3), you are directed to notify any persons to whom you have disclosed this letter that they are also subject to the nondisclosure requirement and are therefore also prohibited from disclosing the letter to anyone else.

In accordance with 15 U.S.C. § 1681u(d)(4), if the FBI asks for the information, you should identify any person to whom such disclosure has been made or to whom such disclosure will be made. In no instance will you be required to identify any attorney to whom disclosure was made or will be made in order to obtain legal advice or legal assistance with respect to this letter.

[Include the following language in all NSLs.]

In accordance with 18 U.S.C. § 3511(a) and (b)(1), you have a right to challenge this letter if compliance would be unreasonable, oppressive, or otherwise unlawful.

You also have the right to challenge the nondisclosure requirement set forth above. If you wish to make a disclosure that is prohibited by the nondisclosure requirement, you must notify the FBI, in writing, of your desire to do so within 10 calendar days of receipt of this letter. That notice must be mailed or faxed to [the ~~XXXX~~] Division, attention: **CASE AGENT** (phone number: ~~xxxx~~), with a copy to FBI HQ, attention: General Counsel (fax number: 202-324-5366) and must reference the date of the NSL and the identification number on the upper left corner of the NSL. If you send notice within 10 calendar days, the FBI will initiate judicial proceedings in approximately 30 days in order to demonstrate to a federal judge the need for nondisclosure and to obtain a judicial order requiring continued

nondisclosure. The nondisclosure requirement will remain in effect unless and until there is a final court order holding that disclosure is permitted.

If you do not send notice of your desire to disclose the NSL or the fact that you produced records in response to it within 10 calendar days of receipt, then the nondisclosure provision will remain in effect, subject to your opportunity to make an annual challenge to the nondisclosure requirement as provided by subsection 3511(b).

In accordance with 18 U.S.C. § 3511(c), an unlawful failure to comply with this letter, including any nondisclosure requirement, may result in the United States bringing an enforcement action.

You are directed to provide records responsive to this letter [personally to a representative of the [DELIVERING DIVISION] OR through use of a delivery service to [OFFICE OF ORIGIN] OR through secure fax] within [xxxx] business days of receipt of this letter.

Any questions you have regarding this letter should be directed only to the [[DELIVERING DIVISION] OR [OFFICE OF ORIGIN], depending on whether service is personal or through a delivery service]. Due to security considerations, you should neither send the records through routine mail service nor non-secure fax, nor disclose the substance of this letter in any telephone conversation.

Your cooperation in this matter is greatly appreciated.

Sincerely yours,

[ADIC/SAC NAME]
[ASSISTANT DIRECTOR IN CHARGE/
SPECIAL AGENT IN CHARGE]